

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: J. Roger Kelley

Serial No.: 09/849,078

Filed: 05/04/2001

For: **Regulatory Online Management System**

Group No.: 2164

Examiner: Wong, Leslie

**SUPPLEMENTAL DECLARATION OF PRIOR INVENTION IN THE  
UNITED STATES TO OVERCOME CITED PATENT OR PUBLICATION  
(37 C.F.R. § 1.131)**

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I, the undersigned, hereby declare and state that:

1. I am over the age of 21 years, of sound mind, and competent in all respects to make this declaration.

2. I am the inventor of the subject matter of the above-referenced application, entitled: "Regulatory Online Management System."

3. I previously filed a Declaration under 37 C.F.R. § 1.131, dated January 12, 2007. Upon review of that Declaration the Examiner determined that the evidence submitted was sufficient to establish conception of the invention prior to the effective date of the Singer reference.

4. However, the Examiner determined that three thirty day gap periods existed on October 1-31, 2000; December 1-31, 2000 and March 1-31, 2001 and that this failed to establish diligence.

5. I am submitting this declaration to elaborate further on the events which took place in the stated gap periods in order to confirm diligence of the invention.

6. As stated in paragraph 10 of my earlier Declaration, and as confirmed by Exhibits 15-24 thereof, substantial activity was underway during the entire period from September 14, 2000 through April 10, 2001.

7. During the specific period beginning September 21, 2000 and ending November 7, 2000 I developed a projected revenue model as evidenced by Exhibit 18 of my earlier Declaration. Exhibit 18 is dated November 7, 2000. This took several weeks to complete, and was initiated almost immediately after completion of the Business Plan Executive Summary dated September 21, 2000, which is Exhibit 17 of my earlier Declaration. The gap in documents between September 21, 2000 and November 7, 2000 does not indicate a complete lack of activity. In fact, Exhibit 18, ROMDG-revenue-v11 dated November 7, 2000 indicates that Exhibit 18 is version 11 of the document. While versions 1-10 no longer exist, they were created, modified and supplanted with later versions, all during the month of October, 2000, culminating in version 11 which was previously submitted as Exhibit 18. The lack of documents during this period is not an indication of a lack of activity. To the contrary, it was during this period that substantial work was being done, resulting in the document Exhibit 18 which is dated November 7, 2000. This confirms continuing diligence during the period October 1-31, 2000.

8. Likewise, Exhibit 20 of my earlier Declaration, Book 2 dated January 15, 2001 took several weeks to complete. This book was worked on extensively during the period November 18, 2000 and January 15, 2001. Many hours were spent during the last half of November, 2000, the month of December, 2000 and the first half of January, 2000 not only completing Book 2, but also developing the Logos, Exhibit 21, dated February 18, 2001 and Exhibit 22, the ROM2 document dated February 27, 2001. It should be understood that some of these documents took several weeks to finalize and that while a document may not be dated during a particular month this is not an indication that no work was done during that month. This confirms continuing diligence during the period December 1-31, 2000.

9. With respect to the gap during March 1-31, 2001, it should be noted that Exhibit 23 of my earlier Declaration, One Page Summary dated February 28, 2001 is on the last day of February. Exhibit 24 of my earlier Declaration, a One Page Summary, is dated April 10, 2001. During the period between these two exhibits several reviews and iterations of the One Page Summary were created. While this is a short document, it is very important as it is the first document presented to potential investors and creates a first impression as to whether they are interested in financing the project. As such, it

required many hours of work and a substantial portion of my time. Not only was this document important, it also had to be created with a consideration given to the applicability of the invention and the capability of the invention to the elements contained in the summary, both with respect of function and anticipated costs. In fact, it was during the period from February 28, 2001 through May 1, 2001 when the Declarant worked extensively on the invention, culminating in both Exhibit 26 of my earlier Declaration, the Final Version of Revised Business Plan dated May 1, 2001, and also the filing of the patent application on May 4, 2001.

10. The complexity of the application should confirm continuing diligence during this period. The application contains eleven pages of tables and a series of complicated mathematical formulations. The development of the application from a first to a final draft took several months to complete.

11. These activities were in addition to the activities stated in my earlier Declaration for the periods in question. This clarification, coupled with my earlier Declaration, clearly documents the relevant diligence time period with reference to both the voluminous exhibits showing continuing efforts toward and an actual or constructive reduction of practice of the subject invention for the entire period September 1, 2000 through May 4, 2001.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



J. Roger Kelley

Dated: 8/6/07